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REMARKS

Reconsideration of this application is respectfully requested.

Applicants would like to thank the Examiner for the indication of allowability as to claims 7-9.

However, the Examiner now rejects claims 1-6 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,352,503 to Matsui et al., (hereinafter "Matsui '503"). In response, independent claims 1-4 have been amended to clarify their distinguishing features.

Specifically, claims 1-3 have been amended to recite an insertion portion having first and second channels arranged therein and terminating at first and second openings, respectively, at a distal portion of the insertion portion and further amended to clarify that the first treatment-tool oscillating base is rotatable in the first opening corresponding to the first channel at the projecting side of the first treatment tool and the second treatment-tool oscillating base is rotatable in the second opening corresponding to the second channel at the projecting side of the second treatment-tool. Claim 4 has been similarly amended. The amendment to independent claims 1-4 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the present amendment to independent claims 1-4. Applicants respectfully submit that Matsui neither discloses nor suggests such features.

With regard to the rejection of claims 1-6 under 35 U.S.C. § 102(a), an endoscope having the features discussed above and as recited in independent claims 1-4, is nowhere disclosed in Matsui. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed

invention, arranged as in the claim,"¹ independent claims 1-4 are not anticipated by Matsui. Accordingly, independent claims 1-4 patentably distinguish over Matsui and are allowable. Claims 5 and 6 being dependent upon claim 1 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-6 under 35 U.S.C. § 102(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).